

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Valerie DE LA POTERIE et al.)	Group Art Unit: 1615
)	
Application No.: 10/654,907)	Examiner: J. VENKAT
)	
Filed: September 5, 2003)	
)	
For: COSMETIC COMPOSITION)	Confirmation No.: 6821
COMPRISING A TACKY WAX)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the U.S. patents and copending Office Actions are not enclosed as they are available on PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicants are not representing that the cited co-pending Office Action is material to the present application and are not admitting that any of the other claims in the co-pending application are substantially similar, out of an abundance of caution, Applicants have listed the co-pending Office Action on the attached form. See *also* M.P.E.P. § 2001.06(b).

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants note that in the IDS filed June 29, 2005, in the instant application, Applicants stated that U.S. Patent No. 6,227,735 B1 is believed to be related to EP 0 611 170 B1. In an Information Disclosure Statement filed January 11, 2007, in co-pending Application No. 10/654,887, Applicants stated that U.S. Patent No. 6,099,183 is believed to be related to EP 0 611 170. U.S. Patent No. 6,227,735 B1 appears to be related to U.S. Patent No. 6,099,183 as both patents claim priority to FR 93 01344. Thus, Applicants identify U.S. Patent No. 6,099,183 in the SB/08 Form submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute “prior art” under United States law, Applicants

reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.


If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 21, 2008

By: _____


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